



PATENT
Customer No. 22,852
Attorney Docket No. 2508.0087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Paolo PIRAZZOLI et al.) Group Art Unit: 3761
)
Application No.: 09/787,624) Examiner: Leslie R. Deak
)
Filed: March 21, 2001)
)
For: DIALYSIS MACHINE AND) Confirmation No.: 4701
METHOD OF CONTROLLING IT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

09/02/2006 JADD01 00000036 09787624
02 FC:1814 130.00 OP

Petitioner ("Assignee") Gambro Hospal (Schweiz) AG, duly organized under the laws of Switzerland and having its principal place of business at No. 2 Pfluggasslein, CH-4001 Basel, Switzerland, through its attorneys, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 09/787,624, filed on March 21, 2001, all 35 U.S.C. § 371 requirements being received by the United States Patent and Trademark Office (USPTO) on July 15, 2003, for DIALYSIS MACHINE AND METHOD OF CONTROLLING IT, as indicated by Assignments duly recorded in the USPTO at Reel 014272, Frame 0691 on July 15, 2003 and at Reel 016891, Frame 0559 on August 18, 2005, and is the only assignee of U.S. Patent No. 6,730,233, issued May 4, 2004, for DEVICE AND METHOD FOR CONTROLLING INFUSION OF LIQUID IN AN

EXTRACORPOREAL BLOOD CIRCUIT, also as indicated by the Assignment duly recorded in the USPTO at Reel 012783, Frame 0973 on April 12, 2002. Assignee is and is also the only assignee of U.S. Patent No. 6,966,979, for DEVICE AND METHOD FOR CONTROLLING INFUSION OF A LIQUID IN AN EXTRACORPOREAL BLOOD CIRCUIT, which issued on November 22, 2005 and matured from a continuation application of an application which resulted in U.S. Patent No. 6,730,233.

To obviate a double patenting rejection, Applicant hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Application No. 09/787,624, which would extend beyond the earliest of the expiration dates of U.S. Patent Nos. 6,730,233 and 6,966,979 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to U.S. Patent Nos. 6,730,233 and 6,966,979. This agreement runs with any patent granted on the above-identified U.S. Patent Application No. 09/787,624 and is to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the above-identified U.S. Patent Application No. 09/787,624 that would extend beyond the earliest of the expiration dates of the full statutory term, as defined in 35 U.S.C. §§ 154 -156 and 173, of U.S. Patent Nos. 6,730,233 and 6,966,979, as shortened by any terminal disclaimer, in the event that either U.S. Patent No. 6,730,233 or 6,966,979 expires for failure to pay maintenance fees, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all

claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by an terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this Terminal Disclaimer. If there is any other fee due in connection with the filing of this Terminal Disclaimer, please charge the fee to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 1, 2006

By: 

Dennis P. O'Reilly
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